

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:10CR32
	§	
NATHANIEL DELUIS (3)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 16, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Andrew Stover.

On August 31, 2011, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 60 months imprisonment followed by a three-year term of supervised release for the offense of distribution of heroin. Defendant began his term of supervision on August 7, 2014.

On September 16, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 79). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance; and (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

The Petition alleges that Defendant committed the following violations: (1) On September 14, 2014, Defendant was arrested by Allen Police Department for committing the offense of Terroristic Threat of Family Household against his sister, Elizabeth Deluis. It is alleged the defendant stated he was going to go to his sister's apartment, kick in the door, scare her roommate and kill his sister. On September 15, 2014, Defendant was released on \$1,500 bond; and (2) On September 8, 2014, Defendant submitted a urine specimen which tested positive for oxymorphone/oxycodone and cocaine. Laboratory testing confirmed said positive.

At the hearing, the Government announced that it was not pursuing any revocation based on the terroristic threat allegations and Defendant entered a plea of true to allegation Two. Defendant offered several witnesses and a report by an intake counselor regarding Defendant's drug treatment.

Defendant did not waive his right to allocute before the District Judge. Defendant further did not waive his right to object to this Report and Recommendation.

Having considered the allegations made and testimony presented, the Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

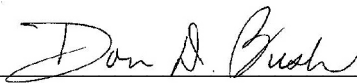
RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the October 16, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-four (24) months, with one (1) year supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Seagoville, Texas, if

appropriate.

Within fourteen (14) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations contained herein. 28 U.S.C.A. § 636(b)(1)(C).

SIGNED this 22nd day of October, 2014.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE